REMARKS

Claims 1, 2, 4-8, and 10, 11, 13-22 and 24-26 are presented for further examination. Claims 12 and 23 have been canceled. Claims 1, 7, 14, 18, and 21 have been amended. Claims 25 and 26 are new.

In the Office Action mailed December 14, 2004, the Examiner rejected claims 1, 2, 4-8, and 10-24 over 35 U.S.C. § 103(a) as unpatentable over Nysen (U.S. Patent No. 6,107,910) in view of Mays et al. (U.S. Patent No. 5,828,693).

Applicant respectfully disagrees with the basis for the rejection and requests reconsideration and further examination of the claims.

Applicant has amended the specification at page 6 to clear up a minor error in identifying the demodulator 52. No new matter has been added. In addition, the specification has been amended on page 7 to reflect the issuance of the pending application as U.S. Patent No. 6,745,008. Again, no new matter has been added.

Turning next to the merits, applicant incorporates herein by reference all arguments previously submitted in prior amendments, and in particular the amendment submitted April 9, 2004, and the amendment submitted with the Request for Continued Examination on November 15, 2004. As discussed therein, the combination of Nysen and Mays et al. fails to teach or suggest the claimed invention.

It appears the Examiner has repeated the previous rejection without giving weight to applicant's arguments regarding the deficiencies in the teachings of the Nysen reference. More particularly, Nysen does not teach true frequency hopping that is compliant with FCC Part 15. Compliance with FCC Part 15 is discussed in the present application at page 4, lines 11-21. Nysen teaches a direct sequence spread spectrum embodiment in Figures 31-38 and as discussed at column 31 through column 35, line 36. This particular DSSS scheme requires a DSSS signal for correlation, and the high-speed chipping signal in a DSSS system that is correlated with itself and generally only a few symbols long is defined by Nysen at column 32, line 17. This is considered a very fast symbol modulation, which Nysen describes at column 1, lines 60-65, and requires correlation back at the reader. Thus, Nysen does not teach a true frequency hopper much less one that is FCC Part 15 compliant.

The present invention refers to operation under FCC Part 15 because this is the critical area in which the present invention is designed to operate. In contrast, Nysen uses (i) a very fast frequency change that is unsuitable for operation under FCC Part 15, and (ii) Nysen uses uniformly spaced steps (as illustrated in Figure 3B of Nysen) that specifically violates FCC Part 15.247.

Mays et al. discuss a controller operating to vary hopping upon detection of destructive interference in a return signal, which type of operation also violates FCC Part 15. Thus, the combination of the cited references does not teach or suggest compliance with FCC Part 15 because both references are not compliant therewith.

Turning to claims 7 and 18, both of these independent claims recite, *inter alia*, storing data in the RFID tag device based on extracted data. Neither Nysen nor Mays et al., taken alone or in any combination therewith, teach, describe, or suggest each and every recited feature of the claims, and in particular the feature highlighted above.

In the Office Action, page 4, the Examiner refers to Nysen at column 9, lines 49-54 as purportedly showing the feature of "storing data in a RFID tag device based on extracted data." However, the passage referred to by the Examiner merely discusses "data symbols stored in said device," which is far different from the claimed feature. Moreover, Nysen discusses a read-only memory 422 for a transponder. There is no teaching or suggestion in Nysen of a memory configured to have data written to it. Mays et al. do not correct this deficiency in Nysen. Rather, in Mays et al., the transponder 18 includes a read-only memory 22 as illustrated in its Figure 1. Thus, both of these references, taken alone or in any combination thereof, fail to teach or suggest storing data in an RFID tag device based on data extracted at the RFID tag device in the manner as claimed. Thus, claims 7 and 18 are clearly allowable over the combination of Nysen and Mays et al.

New dependent claims 25 and 26 are directed to features of a heterodyne receiver. Mays et al. disclose a homodyne receiver. New claim 25 recites the heterodyne receiver as comprising a first down conversion circuit coupled to a first FM demodulator; and a second down conversion circuit coupled to a second FM demodulator. New claim 26, which depends from claim 25, recites the heterodyne receive as comprising a microwave coupler providing a

radio-frequency signal from the frequency-hopping source. No new matter has been added with these amended claims.

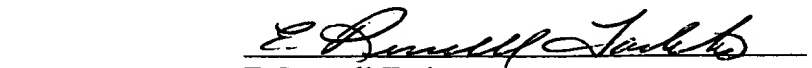
Mays et al. do not teach or suggest a homodyne receiver. Nysen does not teach or suggest a heterodyne receiver having first and second down conversion circuits coupled to respective first and second FM demodulators. In addition, neither of these references discloses a microwave coupler providing a radio-frequency signal from the frequency-hopping source. Applicant respectfully submits that dependent claims 25 and 26 are allowable for these reasons as well as for the reasons why claim 1 is allowable.

In the event the Examiner finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact applicant's undersigned representative by telephone at (206) 622-4900 in order to expeditiously resolve prosecution of this application. Consequently, early and favorable action allowing these claims and passing this case to issuance is respectfully solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



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